

ARTHUR H. DAVISON

IBLA 76-241

Decided November 26, 1975

Appeal from a decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer NM 26340.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

When a person files two offers for a parcel of land in a drawing of oil and gas lease offers filed in a simultaneous lease offering, the regulation requires that the offers be rejected.

APPEARANCES: Arthur H. Davison, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Arthur H. Davison has appealed from a decision of the New Mexico State Office, Bureau of Land Management, dated September 2, 1975, rejecting simultaneous oil and gas lease offer NM 26340, drawn number one at a public drawing held on August 8, 1975. The offer was rejected because it was discovered that the appellant had filed two entry cards for the subject parcel.

Appellant does not deny that he filed two entry cards for the parcel in question. Rather, he states that the filing of two cards was "completely inadvertent" and that he had no record of filing a card on July 21, 1975. 1/ He states that this occurrence would not recur.

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1/ Davison filed one drawing entry card for Parcel #1, New Mexico, dated July 21, 1975, and another card, for the same parcel, dated July 23, 1975.

[1] The pertinent regulation, 43 CFR 3112.5-2, mandates rejection of any and all multiple offerings, regardless of whether or not there was any conscious intent to file more than one card. The regulation admits of no exceptions. See Imre Prepeliczay, 22 IBLA 13 (1975); Richard Donnelly, 11 IBLA 170 (1973). The State Office was required to reject the offer.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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Douglas E. Henriques  
Administrative Judge

We concur:

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Frederick Fishman  
Administrative Judge

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Anne Poindexter Lewis  
Administrative Judge

